

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 11, 2009**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Jorgenson, Lodge, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Emily Hunter, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 10, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Jorgenson, Lodge, and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 11, 2009

The JUDICIARY AND RULES Committee reports that [S 1076](#), [S 1077](#), [S 1078](#), and [S 1079](#) have been correctly printed.

DARRINGTON, Chairman

[S 1076](#) was referred to the Health and Welfare Committee.

[S 1077](#), [S 1078](#), and [S 1079](#) were referred to the Education Committee.

February 10, 2009

The HEALTH AND WELFARE Committee reports out [S 1066](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1066](#) was filed for second reading.

February 10, 2009

The FINANCE Committee reports out [H 61](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 61](#) was filed for second reading.

February 11, 2009

The EDUCATION Committee reports out [S 1060](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1060](#) was filed for second reading.

February 11, 2009

The STATE AFFAIRS Committee reports out [H 20](#) and [H 22](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 20](#) and [H 22](#) were filed for second reading.

February 11, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Tom Katsilometes as State Athletic Commissioner, term to expire January 7, 2013.

Ted Hoffman to the Idaho State Racing Commission, term to expire January 1, 2013.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 10, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bill, to wit:

S 1016

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 10, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Bill Young of Caldwell, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2009, and expiring January 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

February 5, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Rayelle Anderson of Rathdrum, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing March 26, 2008, and expiring January 7, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 10, 2009

Dear Mr. President:

I transmit herewith [H 64](#), [HCR 10](#), [H 66](#), [H 67](#), [H 18](#), [H 19](#), and [H 31](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 64](#), [HCR 10](#), [H 66](#), [H 67](#), [H 18](#), [H 19](#), and [H 31](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Pamela J. Huntsman-McCarroll was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Pamela J. Huntsman-McCarroll as a member of the Sexual Offender Classification Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**S 1080****BY COMMERCE AND HUMAN RESOURCES COMMITTEE****AN ACT**

RELATING TO REAL ESTATE INVESTMENTS; AMENDING SECTION 41-728, IDAHO CODE, TO DELETE PROVISIONS THAT SPECIFY THE MAXIMUM AGGREGATE AMOUNT

OF REAL ESTATE THAT MAY BE INVESTED BY CERTAIN INSURERS.

**S 1081
BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE
AN ACT**

RELATING TO THE IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL; AMENDING SECTION 67-4713, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPOINTMENTS TO THE IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL; AND AMENDING SECTION 67-4717, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRAVEL AND CONVENTION INDUSTRY GRANT PROGRAM AND TO MAKE TECHNICAL CORRECTIONS.

S 1080 and S 1081 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 64, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 10, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 66 and H 67, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 18 and H 19, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 31, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1050, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1065, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1017 retained its place on the Third Reading Calendar for Monday, February 16, 2009.

S 1042 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared S 1042 passed, title was approved, and the bill ordered transmitted to the House.

S 1002 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared S 1002 passed, title was approved, and the bill ordered transmitted to the House.

H 3 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared H 3 passed, title was approved, and the bill ordered returned to the House.

H 4 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared H 4 passed, title was approved, and the bill ordered returned to the House.

H 11 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 11](#) passed, title was approved, and the bill ordered returned to the House.

[H 12](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 12](#) passed, title was approved, and the bill ordered returned to the House.

[H 13](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 13](#) passed, title was approved, and the bill ordered returned to the House.

[H 15](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 15](#) passed, title was approved, and the bill ordered returned to the House.

[S 1008](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Thorson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1008](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Thursday, February 12, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary